

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : Walt Singleton
Serial No. : 10/725,154
Filed : December 1, 2003
For : A Document Generation System and User Interface for
Producing a User Desired Document
Examiner : Matthew J. Ludwig
Art Unit : 2178

REPLY BRIEF

May It Please The Honorable Board:

This is Appellant's Reply Brief in response to the Examiner's answer dated June 28, 2007. No fee for filing this Reply Brief is believed due. Should a fee be due please charge this fee to Deposit Account No. 19-2179. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account. Enclosed is a single copy of the Brief.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/725,154 is the Assignee of record:
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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/725,154 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-17 are rejected and the rejection of claims 1 - 17 are appealed.

IV. STATUS OF AMENDMENTS

There were no amendments made after Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The Summary of the Claimed Subject Matter provided in the Appeal Brief filed on March 5, 2007 is incorporated herein by reference and Applicant respectfully submits that no further summary is needed.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 13 is rejected under 35 USC 112, First Paragraph as failing to comply with the written description requirement.

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over Marchal, B., "Applied XML Solutions, The Authoritative Solution," Sam's, 2000, and further in view of Muench, S., "Building Oracle XML Applications," O'Reilly & Associates, 2000.

VII. ARGUMENT

Claim 13 is fully enabled by the specification and particularly point out and distinctly claim the subject matter regarded as the present invention as required under 35 USC 112, first paragraph. Therefore, reversal of the Final Rejection (hereinafter "rejection") of claim 13 under 35 USC 112, first paragraph is respectfully requested.

Furthermore, Marchal in view of Muench does not make claims 1-17 unpatentable. Thus, reversal of the rejection of claims 1-17 under 35 U.S.C. § 103(a) is respectfully requested. Reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-17 under 35 U.S.C. § 103(a) is respectfully requested.

Overview of the Cited References

Overviews of Marchal and Muench are found in the Appeal Brief filed March 5, 2007 and are incorporated by reference herein.

Rejection of Claim 13 under 35 USC 112, First Paragraph

The Office Action states that claim 13 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree. The addition of "text processing application compatible" document template is not new matter and is further described in the specification in paragraphs [0018], [0020] to [0022], [0032], [0035], [0047] and Fig. 2 of the present claimed invention. The Examiner responds that one of ordinary skill in the art would not assume that Figure 2 refers to a "text processing application compatible document template" because the Application as currently claimed could be interpreted as an Application that has the ability to process text. Applicant respectfully submits that the Examiner's interpretation is unreasonable and that one skilled in the art would in fact be readily able to recognize that a "Rich Text Format compatible template file" is in fact an exemplary form of a "text processing application compatible document template" as recited in claim 13. According to MPEP §2162, "[w]hether the specification shows that applicant was in possession of the claimed invention is not a single, simple determination, but rather is a factual determination reached by considering a number of factors. Factors to be considered in determining whether there is sufficient evidence of possession include the level of skill and knowledge in the art, partial structure, physical and/or chemical properties, functional characteristics alone or coupled with a known or disclosed correlation between structure and function, and the method of making the claimed invention. Disclosure of any combination of such identifying characteristics that distinguish the claimed invention from other materials and would lead one of skill in the art to the conclusion that the applicant was in possession of the claimed species is sufficient. See *Eli Lilly*, 119 F.3d at 1568, 43 USPQ2d at 1406. It is well known that a document formatted in Rich Text Format is text processing application compatible. While a Rich Text Format document may be processed by many applications, it is clear that a template formatted as such may be processed using a "text processing application" and that no clear statement, as asserted by the Examiner, is needed to enable one skilled in the art to reach conclusions asserted by the Applicant.

Therefore, Applicants respectfully re-assert that no new matter has been added with the previous claim amendment of claim 13 because the rejected feature is fully supported by the present specification. Consequently, withdrawal of the rejection of claim 13 is respectfully requested.

Rejection of Claims 1-17 under 35 USC 103(a)
over Marchal in view of Muench

Marchal in view of Muench does not make claims 1-17 unpatentable. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-17 under 35 U.S.C. § 103(a) is respectfully requested.

CLAIMS 1, 8, 9, 11 and 13 - 17

The arguments presented below apply to each of Independent claims 1 and 13 - 15. These remarks respond to the Examiner's Answer and supplement the remarks contained in the Appeal Brief filed on March 5, 2007. Specifically, Marchal alone, or in combination with Muench, fail to disclose or suggest the features claimed in independent claims 1 and 13 - 15.

The Examiner's Answer merely reiterates the remarks and assertions contained in the Final Office Action dated October 5, 2006 and responds to Applicant's arguments by merely stating that he disagrees with Applicant's remarks. As Applicant has discussed Marchal with Muench at length, and as there is no further explanation as to why Applicant's remarks are incorrect beyond a mere statement indicating disagreement therewith, Applicant respectfully submits that the remarks presented in the Appeal Brief of March 5, 2007 are applicable and support the patentability of the present claimed invention as claimed in claims 1, 13 - 15 and 17. Consequently, in view of these supplemental remarks and the remarks presented in the Appeal Brief, withdrawal of the rejection of claims 1, 13 - 15 and 17 are respectfully requested.

Claims 8, 9 and 11 are dependent on claim 1. Applicant respectfully submits that claims 8, 9 and 11 are considered patentable for the reasons presented above and in the Appeal Brief. Consequently, withdrawal of the rejection of claims 8, 9 and 11 is respectfully requested.

Claim 16 is dependent on claim 15. Applicant respectfully submits that claim 16 is considered patentable for the reasons presented above and in the Appeal Brief. Consequently, withdrawal of the rejection of claim 16 is respectfully requested.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1 and it is respectfully submitted that this claim is allowable for the same reasons as discussed above and in the Appeal Brief regarding claim 1. The Examiner's Answer asserts that Marchal on pages 71-102 and in Figures 7.7 and 7.8 and pages 208-214 teach the "identification of data fields in the template document available to be replaced by desired data items". Applicant respectfully disagrees. Moreover, Applicant respectfully submits that the Examiner's Answer is contradictory in that on page 10, the Examiner asserts that "Marchal does not explicitly teach a repetition identifier" and on page 11, asserts that "[c]ode for a repetition identifier is clearly taught" by Marchal in the above cited section. As discussed above and in the Appeal Brief, it is respectfully submitted that Marchal **does not** teach or suggest the claimed "repetition identifier". Applicants respectfully submit that Marchal on page 76 mentions an XML Data Type Definition (DTD) for use in **validating** input data meets repeated data elements requirements, such DTD based **validation** does NOT suggest use of a "repetition identifier" for initiating **creation** of repeating data. In view of the above supplemental remarks and the remarks presented in the Appeal Brief, Applicants respectfully request that the rejection of claim 2 be withdrawn.

CLAIM 3

Dependent claim 3 is considered to be patentable based on its dependence on claims 1 and 2, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claims 1 and 2 and for the reasons presented in the Appeal Brief. The Examiner's Answer asserts that Marchal on pages 330-336, particularly 333-336 describes the utilization of XPath to select elements in a source XML document. Marchal may describe that XPath selects elements in the source XML document for allowing programmers to create templates. However, Marchal does not teach or suggest the use of "an identification of a location in said information repository of a first data item for insertion in said individual data field of said group of data fields" as recited in claim 2 of the present invention and therefore cannot disclose or suggest that the "**location identifier** of said first data item comprises an Extensible Markup Language compatible XPath value" as recited in claim 3 of the present invention. Merely selecting elements in the source XML documents using XPath, as in Marchal does not show or suggest a location identifier "for insertion in said individual data field of said group of data fields" as recited in claim 2 of the present invention. As claim 3 is dependent on claim 2, it is respectfully submitted that the features of claim 2 are also included in claim 3. Therefore, claim 3 is allowable for the reasons presented in the Appeal Brief with respect to claims 2 and 3. Claim 3 is also allowable over Marchal (in view of Muench) because

claim 3 contains all the clarifying features of claim 2 with the additional feature of the “**location identifier** of said first data item ... [comprising] an Extensible Markup Language compatible XPath value.” For the reasons presented in the Appeal Brief, Applicant respectfully submits that Marchal with Muench neither disclose nor suggest the present claimed invention. Consequently, withdrawal of the rejection of claim 3 is respectfully requested.

CLAIM 4

Dependent claim 4 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1 and for the reasons presented in the Appeal Brief. The Examiner's Answer asserts that the tokenizing of input files performed by Marchal (with Muench) discloses “said data source file comprising at least one of, (a) a comma delimited file and (b) a flat file.” Applicant respectfully disagrees because the tokenizer merely breaks input files into particular constituents, however, the tokenizer does not disclose or suggest a data source file comprising at least one of a comma delimited file and a flat file as in the present claimed invention. The tokenizer of Marchal, which is completely unrelated to the present invention, separates special characters such as +, :, ', and ? from regular text. The parser then receives the pre-digested input from the tokenizer and assembles them in a higher-level construct (page 168, “Architecture of the Parser”). This allows the import of non-XML documents into XML applications. Marchal does not even mention or suggest a comma delimited file, as the only characters allowed in EDIFACT syntax are +, :, ', and ? (page 171, “Writing the Tokenizer”). Additionally, the Answer refers to a tip in Marchal stating the XML style sheets are more friendly than Java code for non-programmers”. However, even if XML is easier than Java, one still must be educated and fluent in XML programming language to create and utilize XML style sheets. This is fundamentally different from the claimed arrangement which enables document creation **without knowledge of a complicated programming language**. Both Marchal and Muench provide instruction manuals for coding applications and neither disclose nor suggest the document generation system claimed in the present invention. Consequently, withdrawal of the rejection of claim 4 is respectfully requested.

CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1 and for the reasons discussed in the Appeal Brief. The Answer asserts that the conversion described on pages 129 – 16 of Marchal inherently includes conversion of XML bookmarks and repetition identifiers. Applicant respectfully disagrees. As mentioned above, the Answer and Final Office action are self-contradictory with respect to the

interpretation of Marchal. However, despite the interpretation set forth in the Answer and Final Office Action, Applicant respectfully submits that, for the reasons presented above and in the Appeal Brief, Marchal fails to disclose or suggest the use of “repetition identifiers” in any form. Consequently, withdrawal of the rejection of claim 5 is respectfully requested.

CLAIM 6

Dependent claim 6 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1 as well as for the reasons set forth in the Appeal Brief. The Answer asserts that as presently claimed, Applicant’s invention does not preclude the use of the Marchal reference. Applicant respectfully disagrees. Specifically, as discussed above and acknowledged by the Examiner, Marchal fails to disclose or suggest “a source of code representing a document template including, data fields containing placeholder items to be replaced by desired data items, and also including a repetition identifier indicating one of said data fields is to be replicated to provide a group of data fields to be replaced by a plurality of data items”. Moreover, the claimed document generation system provides that “said source code...is at least one of (a) word processing application compatible and (b) Rich Text Format (RTF) compatible”. Marchal alone or in combination with Muench fails to disclose or suggest this feature. The Answer asserts that “Marchal discloses an easy to use programming tool, XSL stylesheets, which are less frightening than Java code for non-programmers”. However, Applicant respectfully submits that, while XML to produce an XSL stylesheet is less frightening than Java, one must still be highly knowledgeable in XML programming language in order to produce the stylesheets. This is fundamentally different from the claimed system which enables document creation by a user that has no programming knowledge whatsoever as the claimed system provides “a source of code representing a template”, “a source of document control information” which governs insertion of data items into the data fields and “a document processor” which applies the control information to the template to produce the finished document. Moreover, as the source template as claimed in claim 6 is one of “(a) word processing application compatible and (b) Rich Text Format (RTF) compatible”, the claimed system, contrary to the assertion in the Answer, clearly implies that the system enables users without any programming knowledge to produce the “generated document”. The templates used by the claimed system enable a user to use familiar applications, for example word processing applications, to produce the documents and, unlike Marchal and/or Muench, do not require intensive knowledge of any programming language. Consequently, withdrawal of the rejection of claim 6 is respectfully requested.

CLAIM 7

Dependent claim 7 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1. Additionally, as the Answer merely reiterates the comments and sections of Marchal cited in the Final Office Action, Applicant respectfully submits that the remarks presented in the Appeal Brief fully support the patentability of the present invention as claimed in claim 7. Consequently, withdrawal of the rejection of claim 7 is respectfully requested.

CLAIM 10

Dependent claim 10 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1 and for the reasons presented in the Appeal Brief. Additionally, as the Answer merely reiterates the comments and sections of Marchal cited in the Final Office Action (including the typographical error with respect to the page numbers in Marchal), Applicant respectfully submits that the remarks presented in the Appeal Brief fully support the patentability of the present invention as claimed in claim 10. Consequently, withdrawal of the rejection of claim 10 is respectfully requested.

CLAIM 11

Dependent claim 11 is considered to be patentable based on its dependence on claims 1 and 10, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claims 1 and 10 and for the reasons presented in the Appeal Brief. Additionally, as the Answer merely reiterates the comments and sections of Marchal cited in the Final Office Action, Applicant respectfully submits that the remarks presented in the Appeal Brief fully support the patentability of the present invention as claimed in claim 11. Consequently, withdrawal of the rejection of claim 11 is respectfully requested.

CLAIM 12

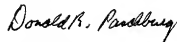
Dependent claim 12 is considered to be patentable based on its dependence on claim 1, and it is respectfully submitted that this claim is allowable for the same reasons as discussed above regarding claim 1 and for the reasons presented in the Appeal Brief. Additionally, as the Answer merely reiterates the comments and sections of Marchal cited in the Final Office Action, Applicant respectfully submits that the remarks presented in the Appeal Brief fully support the patentability of the present invention as claimed in claim 11. Consequently, withdrawal of the rejection of claim 11 is respectfully requested.

VIII. CONCLUSION

Marchal and Muench, when taken alone or in any combination, neither disclose nor suggest a document generation system for producing a document from information derived from an information repository as in the present claimed invention. Specifically, Marchal and Muench fail to disclose or suggest a source of code representing a document template including data fields containing placeholder items to be replaced by desired data items and also including a repetition identifier indicating one of the data fields is to be replicated to provide a group of data fields to be replaced by a plurality of the desired data items as in the present claimed invention. Additionally, Marchal with Muench neither disclose nor suggest "a source of document generation control information supporting insertion of" the "desired data items derived from said information repository in said data fields; and a document processor for applying said control information in replacing template document data field placeholder items with desired data items, to produce a generated document" as in the present claimed invention.

Accordingly it is respectfully submitted that the rejection of claims 1– 17 be reversed.

Respectfully submitted,



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APPENDIX I - APPEALED CLAIMS

1. (Original) A document generation system for producing a document from information derived from an information repository, comprising:

a source of code representing a document template including, data fields containing placeholder items to be replaced by desired data items, and also including a repetition identifier indicating one of said data fields is to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items;

a source of document generation control information supporting insertion of said desired data items derived from said information repository in said data fields; and

a document processor for applying said control information in replacing template document data field placeholder items with desired data items, to produce a generated document.

2. (Original) The system according to claim 1, wherein

said control information contains at least one of, (a) an identification of data fields in said template document available to be replaced by desired data items, (b) an identification of a location in said information repository of a desired data item associated with an individual data field, and (c) an identification of a location in said information repository of a first data item for insertion in said individual data field of said group of data fields and data items sequentially linked to said first data item are inserted in remaining data fields of said group of data fields.

3. (Original) The system according to claim 2, wherein

said location identifier of said first data item comprises an Extensible Markup Language compatible XPath value.

4. (Previously Amended) The system according to claim 1, including a data source file associating data field names of said document template with a data location in an information repository, said data source file comprising at least one of, (a) a comma delimited file and (b) a flat file.

5. (Original) The system according to claim 1, wherein said repetition identifier comprises a Rich Text Format (RTF) compatible Bookmark.

6. (Previously Amended) The system according to claim 1, wherein said code representing said document template is at least one of, (a) word processing application compatible and (b) Rich Text Format (RTF) compatible.

7. (Original) The system according to claim 1, wherein said document processor processes template document data, excluding said desired data items inserted in said placeholder items, by incorporating said template document data in said generated document and said generated document is compatible with Extensible Stylesheet Language (XSL).

8. (Original) The system according to claim 1, wherein said generated document comprises one or more of, (a) an SGML document, (b) an XML document, (c) an HTML document, and (d) a multimedia file.

9. (Original) The system according to claim 1, wherein
said desired data items derived from said information repository are Extensible Markup
Language (XML) compatible data items derived from an XML compatible document.

10. (Original) The system according to claim 1, wherein
said document processor processes template document data in Rich Text Format (RTF)
together with desired data items derived from said information repository in Extensible
Markup Language (XML) to provide said generated document in an Extensible Stylesheet
Language (XSL) format.

11. (Original) The system according to claim 10, wherein
said document processor includes an XML parser to process said generated document
in Extensible Stylesheet Language (XSL) format to provide a processed document in Rich Text
Format (RTF).

12. (Original) The system according to claim 1, wherein
said document processor examines said document template to identify an individual
data field containing a placeholder item and incorporate a link in said individual data field
identifying a corresponding item in said document generation control information, said
corresponding item enabling locating one of said desired data items in said information
repository for insertion in said individual data field.

13. (Previously Amended) A graphical User interface system supporting adaptive generation of a document, comprising:

an image generator for generating at least one image window including:

an image element enabling User selection of a text processing application compatible document template, said document template including, data fields containing placeholder items to be replaced by desired data items, and also including a repetition identifier indicating one of said data fields is to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items; and

an image element for initiating examination of said document template to identify an individual data field and insert a desired data item derived from an information repository in said data field, to produce a generated document.

14. (Previously Amended) A method for adaptively producing a document from information derived from an information repository, comprising the steps of:

examining text processing application compatible code representing a document template, said document template including, data fields containing placeholder items to be replaced by desired data items, and also including a repetition identifier indicating one of said data fields is to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items; and

applying control information supporting insertion of said desired data items derived from said information repository in said data fields to replace template document data field placeholder items with desired data items, to produce a generated document.

15. (Previously Amended) A method for adaptively producing a document comprising the steps of:

receiving a text processing application compatible electronic document template including:

data fields having placeholder items, and

at least one repetition identifier indicating at least one of said data fields that is to be replicated;

receiving data items; and

merging said electronic document template with said data items to produce the document responsive to replacing placeholder items with said data items, and responsive to replicating the at least one of said data fields that is to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items.

16. (Original) A method for producing a document according to claim 15, wherein said step of merging is performed by at least one of, (a) XSL compatible code and (b) a mail merge application program.

17. (Previously Amended) A method for producing a document according to claim 15, further comprising the steps of:

receiving a selection of text processing application compatible electronic document templates; and

receiving a selection of a source of the data items.